

REMARKS

By the present amendment, Applicant has amended Claims 1 and 10, and cancelled Claims 4 and 12. Claims 1, 3, 5-11 and 13-17 remain pending in the present application. Claims 1 and 10 are independent claims.

In the recent Office Action, dated August 30, 2006, the Examiner rejected Claims 1, 4 and 6-9 under 35 U.S.C. § 102(b) as being anticipated by McIntyre (4,646,510). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McIntyre ('510); claim 3 was rejected under Section 103 as being unpatentable over McIntyre ('510) in view of Raducu ('010) and claims 10, and 12-17 were rejected under Section 103 as being unpatentable over McIntyre ('510) in view of Moretz et al ('467).

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner has rejected claims 1, 4, 10 and 12 utilizing the McIntyre reference. Specifically, in regard to claims 4 and 12 the Examiner states that McIntyre's material is comprised of a porous tissue material thereby being a woven fabric. However, McIntyre discloses that his top and bottom layers are "... **thin porous tissue or other "NON-WOVEN" web 1** (for the exemplary **moisture –absorbent pouch....**). See McIntyre's *column 2, lines 17-20*. Although not discussed in McIntyre's specification, his claims 5 and

9 further define the type of non-woven material being contemplated: **diaper** material. The reference to non-woven diaper material is informative and dispositive of the issue. When non-woven webs are employed in disposable absorbent products such as a diaper the ability to absorb a liquid is generally insufficient to ensure optimum performance. In order to ensure proper absorption, it is desired that the liquid be transported within the absorbent product. Therefore, it is desirable to incorporate into the non-woven web a high-absorbency material. See McIntyre's column 1, lines 15-25 for his usage of super-absorbent powders to be used in his diaper. Thus, McIntyre's non-woven diaper material transports liquid to the non-woven material pouch to be absorbed by the super-absorbent powder therein.

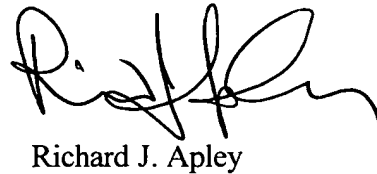
In contradistinction to McIntyre's disclosure (*supra*), Applicant's claims 1 and 10 recite that the top and bottom layers are **woven fabric** and are intended to **disperse** the confined powder into the user's groin area. It is clear that McIntyre does not possess the claimed structure and, therefore, the rejection of claims 1 and 10 should be withdrawn. The corresponding dependent claims 3-9, 11, and 13-17 are likewise allowable over the prior art.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Apley', with a stylized flourish at the end.

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